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February 10, 2004

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Sent via Facsimile & U.S. Mail

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**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.,*
Case No. 01-CV-769 (S.D. Ohio)**

Dear Counsel:

On January 7, 2004 the Magistrate Judge issued an Order concerning Plaintiff's Motion to Compel Responses to Second Request for Production of Documents. (Doc. 81). In that Order, the Court directed that the Plaintiff confer with Defendants in an effort to amicably reach agreement on the payment of Plaintiff's attorney's fees and expenses incurred in having to file and prosecute the Motion to Compel. *Id.* This was reaffirmed in a subsequent January 21, 2004 Order. (Doc. 83).

On January 16, 2004, in accord with these Orders, I sent you our demand for attorney's fees incurred in having to prosecute the Motion to Compel. Over the past three weeks our attempt to informally resolve this matter has been ignored by the City of Cincinnati. If this matter is not resolved within the next week, in keeping with the Court's direction, Plaintiff will have no alternative but to submit this matter to the Court for resolution.

Sincerely,



Paul B. Martins

PBM:kmr

cc: Mark T. Tillar, Esq. (via facsimile)
John J. Helbling, Esq. (via facsimile)
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